

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

WARREN CANNADA,

Plaintiff,

V.

Case No. 3:20-cv-952

OLD DOMINION BRUSH COMPANY, INC.

Defendant.

PLAINTIFF'S DESIGNATION OF DISCOVERY

Plaintiff, Warren Cannada (“Plaintiff”), by counsel, pursuant to the Court’s Pretrial Schedule A, hereby files a designation of discovery intended to be introduced into evidence at trial in this matter. Plaintiff previously submitted this designation of discovery to Defendant by e-mail on February 7, 2021.

1. Deposition of Kitty Carracedo, Volume I, dated July 6, 2021, and Volume II, dated July 9, 2021:

| Start | End | Brief Summary |
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| 12:22 | 14:4 | ODB work history |
| 14:5 | 14:9 | Former president of ODB |
| 14:16 | 14:19 | Former president of ODB |
| 14:20 | 15:11 | Interim president of ODB |
| 15:12 | 16:12 | Hiring new president of ODB |
| 16:13 | 17:17 | Structure of ODB Human Resources |
| 18:4 | 18:6 | Structure of ODB HR |
| 18:7 | 18:13 | Retirement |
| 20:8 | 20:18 | Defendant's Objections and Answers to Plaintiff's First Interrogatories |
| 20:24 | 21:1 | Amended Complaint |
| 21:2 | 21:23 | Britt Calloway transfer |
| 21:24 | 22:7 | New operations manager at ODB |
| 22:11 | 23:11 | Job duties as HR director for ODB |
| 23:12 | 25:4 | Reporting structure with Alamo |
| 25:5 | 25:14 | Title of Senior Human Resource Manager |

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| 25:15 | 26:7 | Knowledge of Cannada's job performance |
| 26:14 | 28:14 | Cannada's job duties and responsibilities |
| 28:15 | 28:20 | Annual performance evaluations |
| 28:21 | 35:4 | ODB number of employees, condition of HR upon arrival, and employee turnover |
| 35:18 | 37:11 | Disciplinary Action Notification, September 24, 2019, ODB 80 |
| 37:12 | 41:9 | Hiring procedures |
| 41:21 | 42:14 | Investigation process for performance issues |
| 42:16 | 51:24 | Carracedo notes re: meeting with Cannada on September 3, 2019 and safety training on September 4, 2019, ODB 187 |
| 52:6 | 54:21 | E-mail from Carracedo to Calloway, September 24, 2019, ODB 176-177 |
| 55:1 | 63:25 | Disciplinary Action Notification, September 24, 2019, ODB 80 |
| 64:3 66:20 | 66:11 71:14 | E-mails regarding injury on September 23, 2019 and Trent report, ODB 157-165 |
| 72:10 | 75:13 | E-mail from Calloway to Carracedo, September 30, 2019, ODB 154 |
| 76:13 | 78:22 | Cannada job description, ODB 430-432 |
| 78:25 85:12 87:7 | 81:16 86:12 87:10 | E-mails regarding injury, October 11, 2019, and Calloway recommendation for termination of Cannada's employment, ODB 137-139, 137A |
| 82:19 | 85:9 | Carracedo discussions with Ryan Carlton about gossiping |
| 86:13 | 87:3 | Termination process |
| 87:4 | 87:6 | Cannada's years of employment |
| 87:17 | 91:3 | E-mail from Carracedo to Janet Pollock, October 14, 2019, ODB 128 |
| 91:6 93:22 | 93:19 94:12 | E-mail from Carracedo to Tim Harding, October 14, 2019, ODB 131-132 |
| 94:13 | 95:9 | Safety training conducted after July 1, 2019 |
| 95:19 99:12 | 98:14 102:6 | E-mail from Carracedo to Trent, October 14, 2019, with Leveron accident report and corrections, ODB 133-134 |
| 102:23 | 109:2 | E-mail from Carracedo, October 16, 2019, and discussion with Cannada, ODB 127 |
| 109:3 | 113:14 | Leveron witness statement, ODB 145 |
| 113:15 | 115:4 | Cannada witness statement, ODB 146 |
| 115:19 | 116:21 | Root cause of Leveron's accident |
| 116:22 | 118:13 | Canas witness statement, ODB 147-148 |
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| 162:18 | 163:8 | E-mail from Carracedo, October 25, 2019, ODB 117-118, 118A |
| 166:3 | 166:16 | Conversation with Howard May and Tim Harding on October 25, 2019 |
| 166:17 | 169:24 | Comparing ODB 118A to ODB 121A |
| 170:14 | 172:16 | Discusses altercation involving two employees |
| 174:22 | 177:23 | E-mail from Carracedo, October 25, 2019, ODB 116, 116A |
| 177:25 | 183:16 | |
| 184:3 | 184:12 | Termination date for Cannada |
| 184:20 | 185:22 | OSHA injury reports, ODB 90-94 |
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| 189:15 | 192:8 | |
| 192:19 | 196:3 | Disciplinary Action Notification, November 4, 2019, ODB 79, and |
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| 203:18 | 210:12 | ODB Org Chart, August 29, 2019, ODB 201-204 |
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| 219:3 | 221:5 | ODB Town Hall Q2 2019 presentation, August 1, 2019, ODB 231, 233-240, and 2019 ODB Accident Overview, ODB 232 |
| 221:6 | 221:17 | No performance review in 2019 |
| 222:11 | 222:14 | |
| 223:14 | 223:22 | Coker statement, October 9, 2020, ODB 393 |
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| 239:16 | 241:7 | Manager responsibilities, ODB 196 |
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| 15:22 | 17:17 | Alamo purchase of ODB |
| 18:3 | 18:20 | |
| 17:18 | 18:2 | Involvement with HR matters at ODB |
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| 18:23 | 19:1 | Hiring of Carracedo |

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| 19:10 | 19:20 | |
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| 43:5 | 45:2 | E-mail from Carracedo, October 16, 2019, ODB 127 |
| 45:24 46:24 49:3 | 46:3 48:20 49:12 | Draft Disciplinary Action Notification, October 11, 2019, ODB 137A |
| 49:19 | 51:19 | Draft Disciplinary Action Notification, October 24, 2019, ODB 121A |
| 51:21 | 53:17 | E-mail from Carracedo, October 25, 2019, ODB 117-118 |
| 53:18 54:15 | 54:12 54:21 | E-mail from Harding, October 25, 2019, ODB 119-120 |
| 55:3 | 58:17 | E-mail from Carracedo, October 25, 2019, ODB 112-113 |
| 60:10 62:23 | 62:13 63:12 | Coker statement, October 9, 2020 |
| 63:19 64:7 | 63:24 64:16 | Calloway statement, ODB 81 |
| 64:18 65:3 67:2 | 64:21 65:23 68:10 | E-mail from Howard May, November 22, 2019, ODB 105-106 |
| 66:5 | 67:1 | Howard May is no longer president of Schwarze |

3. Deposition of Howard May, dated August 23, 2021:

| Start | End | Brief Summary |
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| 10:2 11:11 14:2 14:17 | 11:5 12:12 14:13 14:24 | Involvement with ODB |
| 12:13 | 14:1 | ODB Org Chart, August 29, 2019, ODB 201-204 |
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| 18:23 | 19:14 | Involvement in personnel matters |
| 19:15 | 22:8 | Concerns about Cannada's floor presence |

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| 22:13 | 23:8 | |
| 24:4 25:4 | 24:7 25:16 | Disciplinary Action Notification, September 24, 2019, ODB 80 |
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| 34:3 | 34:16 | E-mail from Carracedo, October 14, 2019, with corrections, ODB 133 |
| 34:19 | 35:8 | E-mail from Carracedo, October 14, 2019, with corrections, ODB 134 |
| 35:21 | 36:4 | Interactions with Pollock |
| 36:5 39:12 | 38:16 40:10 | E-mail from Carracedo, October 16, 2019, ODB 127 |
| 41:10 | 41:21 | Leveron statement, ODB 145 |
| 49:14 | 50:5 | Discussion of the chuckling incident |
| 50:6 | 50:20 | Discussion of checking references |
| 50:25 | 51:9 | Thrust of decision to terminate |
| 53:12 | 53:25 | Final decision-maker |
| 54:1 54:18 | 54:1 56:11 | On the job injuries – managerial responsibilities, ODB 196 |
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| 12:10 15:11 | 14:12 18:9 | Hiring process at ODB |
| 18:10 | 19:16 | Job duties as operations manager |
| 19:20 | 22:16 | ODB Org Chart, August 29, 2019, ODB 201-204 |
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| 35:2 | 36:6 | Specialized safety training |
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| 38:22 | 39:22 | Monitoring of Cannada's work |
| 40:23 | 41:6 | Annual evaluation process |
| 41:7 46:7 | 45:23 46:25 | Accident on September 23, 2019, E-mail from Carracedo to Calloway, September 24, 2019, ODB 176-177 |
| 49:3 57:19 | 56:17 64:9 | Disciplinary Action Notification, September 24, 2019, ODB 80 |

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| 64:16 66:10 141:10 | 65:4 66:13 143:21 | |
| 65:6 | 65:17 | Cannada receipt of Disciplinary Action Notification |
| 66:15 | 68:9 | E-mail from Calloway, September 27, 2019, ODB 166-168 |
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| 85:23 | 87:14 | Weld & Fabrication Supervisor Job Description |
| 87:18 89:5 95:10 99:24 108:5 116:16 118:18 | 88:5 92:18 99:13 104:13 115:25 117:2 120:9 | E-mail from Calloway, October 11, 2019, ODB 137-139, 137A |
| 99:14 | 99:19 | Termination of Carlton |
| 92:10 94:5 104:4 105:22 | 93:18 95:9 105:11 108:4 | Drilling of hole by hand or laser |
| 90:6 97:10 115:11 116:16 117:13 119:7 170:20 | 90:23 99:13 115:25 117:2 117:15 120:9 172:4 | Chuckling incident |
| 108:24 110:24 221:8 | 110:15 114:13 222:13 | Policy to arrange transportation to medical |
| 117:16 | 118:7 | Nature of Leveron's injury |
| 120:12 | 131:22 | Leveron Accident Report, ODB 441-448 |
| 131:23 | 133:2 | E-mail from Calloway to Cannada, October 11, 2019, ODB 135 |
| 133:7 | 138:4 | E-mail from Carracedo, October 16, 2019, ODB 128, 133-134 |
| 138:14 143:22 | 141:6 144:23 | E-mail from Carracedo, October 14, 2019, ODB 127 |
| 144:24 | 148:4 | Leveron Statement, ODB 145 |
| 149:15 | 152:16 | Cannada Statement, ODB 146 |
| 152:17 | 155:4 | Canas Statement, ODB 147-148 |
| 155:6 | 156:6 | E-mail from Pollock, October 16, 2019, ODB 129-130 |
| 156:10 | 158:7 | E-mail from Cannada, October 22, 2019, ODB 124-125 |
| 158:8 | 162:15 | E-mail from Calloway, October 23, 2019, ODB 122 |
| 162:16 163:2 | 162:19 169:22 | E-mail from Calloway, October 24, 2019, ODB 121, 121A |

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| 170:7 | 172:21 | |
| 172:24 | 176:19 | Disciplinary Action Notification, October 24, 2019, ODB 118A |
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| 179:8 | 179:21 | Final decision-maker |
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| 194:1 | 194:25 | OSHA Injury Incident Reports, Amber Sarki, ODB 91 |
| 195:1 | 196:13 | OSHA Injury Incident Reports, ODB 92-94 |
| 197:7 | 202:20 | ODB Town Hall Q2 2019 presentation, August 1, 2019, ODB 231, 233-240, and 2019 ODB Accident Overview, ODB 232 |
| 204:16 | 206:10 | Calloway Statement, ODB 81 |
| 206:14 | 207:9 | Coker Statement, ODB 393 |
| 207:10 | 210:13 | Defendant's Objections and Answers to Plaintiff's First Interrogatories |
| 210:15 | 212:14 | List of involuntary terminations |
| 213:15 | 215:4 | |
| 217:2 | 217:17 | |
| 212:5 | 212:6 | No longer operations manager |
| 212:10 | 213:14 | |
| 215:10 | 215:18 | Coker transfer |
| 216:4 | 217:1 | Job posting for Production Supervisor, Welding and Fabrication |

5. Deposition of Joshua Coker, dated August 25, 2021:

| Start | End | Brief Summary |
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| 6:3 | 6:13 | Name and date of birth |
| 6:25 | 7:4 | Educational and work history |
| 16:4 | 17:23 | |
| 9:21 | 16:3 | Specialized training |
| 17:24 | 19:9 | Started at ODB as a welder helper |
| 19:10 | 21:11 | Work at ODB in lasers |
| 21:12 | 23:10 | Work at ODB in engineering |
| 26:6 | 26:8 | |
| 23:11 | 25:17 | No written performance evaluations before Alamo |
| 25:18 | 26:4 | Merit increase in pay in 2019 |
| 26:9 | 30:18 | Alamo transition and JDE training |
| 30:19 | 34:4 | Job duties |
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| 36:6 39:18 | 36:25 40:4 | Arrival of Calloway |
| 40:18 41:15 | 41:5 43:16 | Termination of Cannada's employment and interim role |
| 43:22 | 47:17 | Applied for Production Supervisor, Welding and Fabrication |
| 47:18 | 48:1 | Criticism of Cannada |
| 48:12 | 49:8 | Job Description Weld & Fabrication Supervisor, ODB 430-432 |
| 49:9 | 49:11 | Never suffered a job-related injury |
| 49:15 | 50:5 | Injuries under his supervision |
| 50:6 | 50:25 | Hailey injury |
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| 53:19 | 57:24 | Trent report on Leveron injury, ODB 443-448 |
| 57:25 95:16 | 59:8 95:24 | Tasks assigned by Calloway after Cannada's termination |
| 60:4 | 63:19 | OSHA Injury Incident Reports, Anthony Brown, ODB 90 |
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| 66:10 79:21 85:17 | 76:7 85:1 88:12 | Coker Statement, ODB 393 |
| 91:3 | 93:19 | Current position at ODB, Job posting for Production Supervisor, Welding and Fabrication |
| 94:15 | 94:18 | Opinion about Cannada |

6. Defendant's Second Supplemental Objections and Answers to Plaintiff's First Set of Interrogatories;

7. Defendant's Second Supplemental Objections and Responses to Plaintiff's First Set of Requests for Production of Documents; and

8. Defendant's First Amended Objections and Answers to Plaintiff's Second Interrogatories.

Plaintiff reserves the right to introduce any discovery materials solely for cross-examination and/or for impeachment purposes, including, but not limited to, portions of deposition

testimony. Plaintiff further reserves the right to amend, add, or withdraw any designation set forth herein. Plaintiff reserves the right to introduce any discovery materials designated by Defendant.

Respectfully submitted,

WARREN CANNADA

Plaintiff,

By: _____/s/

James B. Thorsen, Esq.

VSB No. 18113

Jesse A. Roche, Esq.

VSB No. 82579

Attorneys for Warren Cannada

THORSENALLEN LLP

5413 Patterson Avenue, Suite 201

P. O. Box 17094

Richmond, Virginia 23226

Telephone: (804) 447-7234

Facsimile: (804) 447-7813

E-mail: jroche@thorsenallen.com

E-mail: jthorsen@thorsenallen.com

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of February, 2022, a copy of the foregoing was sent by e-mail to the following:

Melissa Y. York, Esquire
VSB No. 77493
Counsel for Old Dominion Brush Company, Inc.
Harman, Claytor, Corrigan & Wellman
P.O. Box 70280
Richmond, Virginia 23255
myork@hccw.com

_____/s/
James B. Thorsen, Esquire
VSB No. 18113
Jesse A. Roche, Esquire
VSB No. 82579
Attorneys for Warren Cannada
THORSENALLEN LLP
5413 Patterson Avenue, Suite 201
P. O. Box 17094
Richmond, Virginia 23226
Telephone: (804) 447-7234
Facsimile: (804) 447-7813
E-mail: jroche@thorsenallen.com
E-mail: jthorsen@thorsenallen.com